

LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200
MCLEAN, VIRGINIA 22102
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ*
ELIZABETH R. SACHS*
DAVID A. LAFURIA
PAMELA L. GIST
TODD SLAMOWITZ*
BROOKS E. HARLOW*
TODD B. LANTOR*
STEVEN M. CHERNOFF*
KATHERINE PATSAS NEVITT*

CONSULTING ENGINEERS
ALI KUZEHKANANI
LEILA REZANAVAZ
—
OF COUNSEL
GEORGE L. LYON, JR.
LEONARD S. KOLSKY*
JOHN CIMKO*
J. K. HAGE III*
JOHN J. MCAVOY*
HON. GERALD S. MCGOWAN*
TAMARA DAVIS BROWN*
JEFFREY A. MITCHELL
ROBERT S. KOPPEL*

*NOT ADMITTED IN VA
DL: (703) 584-8666
SC: (703) 584-8670
JC: (703) 584-8686
dlafuria@fcclaw.com
schernoff@fcclaw.com
jcimko@fcclaw.com

PUBLIC REFERENCE COPY

October 3, 2011

ORIGINAL

VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A306
Washington, DC 20554

FILED/ACCEPTED

OCT -3 2011

Federal Communications Commission
Office of the Secretary

**Re: Telecommunications Carriers Eligible for
Universal Service Support**

WC Docket No. 09-197

Dear Secretary Dortch:

On behalf of Cellular South Licenses, Inc., LLC (SAC 259004) ("Cellular South" or "the Company"), please find attached a redacted public version of Cellular South's Annual ETC Compliance Report under Section 54.209 of the FCC's Rules ("Annual Compliance Report"). The attached ETC Report has been marked "**REDACTED – FOR PUBLIC INSPECTION.**"

Cellular South is also submitting to the FCC, under separate cover, a confidential version of the Annual Compliance Report. The confidential version is marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**"

Noted for filing 0+4
LAFURIA

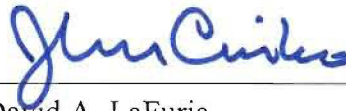
Marlene H. Dortch, Secretary
Federal Communications Commission
October 3, 2011
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PUBLIC REFERENCE COPY

An original and four (4) copies of this Annual Compliance Report are enclosed. An additional copy has been provided, which you are requested to date-stamp and return in the envelope provided.

Please contact the undersigned at 703-584-8666 if any questions arise concerning the above-referenced enclosures or if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Cimko", is written over a horizontal line.

David A. LaFuria
Steven M. Chernoff
John Cimko

Attorneys for:
Cellular South Licenses, Inc., LLC

cc: Karen Majcher
Vice President, High Cost & Low Income Division
USAC
2000 L Street, N.W., Suite 200
Washington, D.C. 20036

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Telecommunications Carriers Eligible) WC Docket No. 09-197
for Universal Service Support)

ANNUAL COMPLIANCE REPORT OF CELLULAR SOUTH LICENSES, LLC

Cellular South Licenses, LLC (“Cellular South” or the “Company”),¹ an Eligible Telecommunications Carrier (“ETC”) in the State of Alabama, hereby provides the Commission with an annual compliance report containing information as set forth in the Commission’s Order in the above-captioned proceeding (“*ETC Certification Order*”)² and in the Commission order designating the Company as an ETC on December 4, 2002.³

1. Construction Plan Progress and Use of Support.

Pursuant to the *ETC Certification Order*, an ETC must:

submit . . . progress reports on the ETC's five-year service quality improvement plan, including maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was received and how support was used to improve signal quality, coverage, or

¹ At the end of last year, Cellular South changed its name from Cellular South Licenses, Inc., to Cellular South Licenses, LLC. *See* Letter from David A. LaFuria, Counsel for Cellular South, to Marlene H. Dortch, Secretary, Federal Communications Commission (Apr. 13, 2011) (advising the Commission that Cellular South's name was changed to Cellular South Licenses, LLC, effective December 31, 2010).

² *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371 (2005) (“*ETC Certification Order*”). See Section 54.209(a) of the Commission’s Rules, 47 C.F.R. § 54.209(a).

³ See *Federal-State Joint Board on Universal Service, Cellular South License, Inc.*, DA 02-3317 (WCB Dec. 4, 2002).

capacity; and an explanation regarding any network improvement targets that have not been fulfilled.⁴

Cellular South provides its five-year plan in Exhibit A.⁵ During the twelve-month period beginning July 1, 2010, and ending at the close of June 30, 2011 (the “Reporting Period”), the Company has received a total of [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] in Universal Service Support. Information provided below is as of June 30, 2011, which is the Company’s most recent quarterly period for which accounting data is available.

During the Reporting Period, Cellular South invested [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] in capital improvements.⁶ Specifically, during the Reporting Period, Cellular South [BEGIN CONFIDENTIAL] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [END CONFIDENTIAL]

[REDACTED] Cellular South has also improved existing cellular facility site coverage, performance, and reliability by upgrading antennas, deploying generators, and installing microwaves.

⁴ See *ETC Certification Order*, 20 FCC Rcd at 6400.

⁵ The information submitted in Exhibit A is also proprietary and competitively sensitive; therefore, it is also being submitted under seal and is subject to Cellular South's request for confidential treatment.

⁶ This figure does not include operating expenses for high-cost cellular facility sites that were constructed in prior years. In addition, as outlined in its five-year plan, Cellular South expects that capital expenditures and operating expenses for high-cost cellular facility sites to be constructed in the next several years will exceed the anticipated high-cost support.

2. Outage Reporting.

During the Reporting Period, Cellular South has not had any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least 10 percent of the end users served in its designated service area in Alabama, pursuant to the *ETC Certification Order*.⁷

3. Service Requests.

During the Reporting Period, there were no unfulfilled requests for service from potential customers within the designated ETC service area. However, Cellular South hereby certifies that it continues to follow the six-step process for provisioning service to requesting customers.

Specifically, in response to any such requests for service at a residence or business, Cellular South will take the following steps:

1. If a request comes from a customer within its existing network, Cellular South will provide service immediately using its standard customer equipment.
2. If a request comes from a customer residing in any area where Cellular South does not provide service, Cellular South will take a series of steps to provide service.
 - * First, it will determine whether the customer's equipment can be modified or replaced to provide acceptable service.
 - * Second, it will determine whether a roof-mounted antenna or other network equipment can be deployed at the customer's premises to provide service.
 - * Third, it will determine whether adjustments at the nearest cellular facility site can be made to provide service.

⁷ See *ETC Certification Order*, 20 FCC Rcd at 6400.

- * Fourth, it will determine whether there are any other adjustments to network or customer facilities that can be made to provide service.
- * Fifth, it will explore the possibility of offering the resold services of carriers that have facilities available to the customer location involved.
- * Sixth, Cellular South will determine whether an additional cellular facility site, a cell-extender, or repeater can be employed or can be constructed to provide service, and evaluate the costs and benefits of using scarce high-cost support to serve the number of customers requesting service.

If there is no possibility of providing service short of these measures, Cellular South will notify the customer and notify the Commission of how many requests for service could not be filled in its next annual compliance report. Cellular South acknowledges that the Commission will retain authority to resolve any customer complaints alleging that Cellular South has refused to respond to a reasonable request for service.

4. Consumer Complaints.

During the Reporting Period, Cellular South has received and responded to five complaints filed with the Commission in the designated ETC service area.

5. Compliance with Service Quality and Consumer Protection Standards.

In the *ETC Certification Order*, the Commission reiterated that carriers must certify that they comply with applicable service quality and consumer protection standards.⁸

Cellular South hereby certifies that it has reviewed its service quality and consumer protection practices, and that these practices ensure that Cellular South:

⁸ *Id.* at 6401. The Commission cited the CTIA–The Wireless Association® (“CTIA”) Consumer Code for Wireless Service (“CTIA Code”) as an example. *Id.*

- (1) Discloses rates and terms of service to customers.
- (2) Makes available maps showing where service is generally available.
- (3) Provides contract terms to customers and confirms changes in service.
- (4) Allows a trial period for new service.
- (5) Provides specific disclosures in advertising.
- (6) Separately identifies carrier charges from taxes on billing statements.
- (7) Provides customers the right to terminate service for changes to contract terms.
- (8) Provides ready access to customer service.
- (9) Promptly responds to consumer inquiries and complaints received from government agencies.
- (10) Abides by policies for protection of consumer privacy.

These service quality and consumer protection practice categories are the same as those included in the CTIA Code as currently in effect.⁹

In connection with its review of its service quality and consumer protection practices, Cellular South has gathered various documentation demonstrating that these practices meet or exceed the requirements of the *ETC Certification Order* and Section 54.209 of the Commission's Rules in each of the practice categories enumerated above. Cellular South will make this documentation available to the Commission upon request.

⁹ See CTIA Code, accessed on September 19, 2011, at http://www.ctia.org/consumer_info/service/index.cfm/AID/10352. Cellular South is not a member of CTIA, and therefore is not listed by CTIA as having implemented the provisions of the CTIA Code. Nonetheless, as Cellular South has explained in this Annual Compliance Report, its service quality and consumer protection practices are identical to those prescribed in the CTIA Code.

6. Ability to Remain Functional in Emergencies.

The Commission requires an ETC applicant to:

demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.¹⁰

Cellular South is mindful of the importance of ensuring uninterrupted service so that law enforcement and public safety officials, as well as the general public, can make important calls in the event of a hurricane or other emergency. Cellular South hereby certifies that the Company is capable of functioning in emergency situations as defined in the above-quoted provisions of the *ETC Certification Order* via the Company's generators and via temporary microwave facilities.

7. Local Usage.

In the *ETC Certification Order*, the Commission concluded that each ETC must annually certify that it offers at least one local usage plan comparable to the one offered by the incumbent local exchange carrier ("LEC") in the relevant service areas.¹¹ In the *ETC Certification Order*, the Commission declined to adopt a specific local usage threshold or to require that an applicant match the incumbent's offering. Rather, the Commission concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the "local" calling area, monthly price, and other factors.¹² As examples, the Commission mentioned that an

¹⁰ *ETC Certification Order*, 20 FCC Rcd at 6382-83.

¹¹ *Id.* at 6402; *see id.* at 6385.

¹² *Id.* at 6385.

applicant may offer “a local calling plan that has a different calling area than the local exchange area provided by the LECs in the same region, or . . . a specified number of free minutes of service within the local service area.”¹³ The Commission also envisioned cases where an ETC may offer an unlimited calling plan that bundles local minutes with long distance minutes.¹⁴

Cellular South satisfies the Commission’s local usage requirement. Customers may choose from a variety of plans with different combinations of local calling areas, included minutes, and monthly rates, to suit individual consumer needs. Cellular South offers a number of usage plans that allow customers to make calls or travel beyond the local calling area without incurring toll or roaming charges. The Nationwide 750 Plan, for example, offers unlimited calling within the Cellular South licensed area, unlimited nationwide long distance, and unlimited mobile-to-mobile calling, plus 750 minutes of nationwide roaming without per-minute charges, at a monthly rate of \$59.99.

Cellular South’s service offerings referenced above allow consumers to select a plan that provides them with equal or greater value than a wireline rate plan. Cellular South’s licensed area—its smallest “local” calling area—is much larger than rural incumbent LEC local calling areas, which typically allow a consumer to reach only a few hundred or a few thousand people within an area made up of a handful of exchanges. Consumers who make calls primarily within Cellular South’s licensed area will benefit from unlimited local calling at a low monthly price. If they travel frequently or make many calls to relatives, friends, or business associates beyond that area, they may benefit

¹³ *Id.*

¹⁴ *Id.*

from one of the nationwide plans offered by Cellular South. Providing deeper geographic reach delivers a significant benefit to the consumer, and the Commission has cited studies concluding that “wireless service is cheaper than wireline, particularly if one is making a long distance call or when traveling.”¹⁵

In sum, Cellular South certifies that it offers at least one plan that is comparable to incumbent LEC rate plans under the applicable Commission test.

8. Equal Access.

As required by the Commission in the *ETC Certification Order*,¹⁶ Cellular South certifies that it acknowledges that the Commission may require it to provide equal access to interexchange carriers in the event no other ETC is providing equal access in the designated ETC service area.

Cellular South trusts that the Commission will find this Annual Compliance Report to be responsive to the compliance materials requested in the *ETC Certification*

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¹⁵ *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services*, WT Docket No. 04-111, Ninth Report, 19 FCC Rcd 20597, 20684 (2004).

¹⁶ See *ETC Certification Order*, 20 FCC Rcd at 6402.

Order and in the order designating Cellular South as an ETC in Alabama. Should the Commission have any questions or require any additional information, please contact:

David A. LaFuria, Esq.
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive
Suite 1200
McLean, Virginia 22102
(703) 584-8666
dlafuria@fcclaw.com

Respectfully submitted,



David A. LaFuria
Steven M. Chernoff
John Cimko

Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive
Suite 1200
McLean, Virginia 22102
(703) 584-8666
dlafuria@fcclaw.com

Attorneys for:
Cellular South Licenses, LLC

October 3, 2011

DECLARATION

DECLARATION UNDER PENALTY OF PERJURY

I, Benjamin C. Pace, do hereby declare under penalty of perjury as follows:

1. I am the Chief Financial Officer of Cellular South Licenses, LLC ("Cellular South").

2. This Affidavit is submitted in support of Cellular South's Annual Compliance Report, pursuant to *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371 (2005) and Sections 54.202 and 54.209 of the Commission's Rules.

3. I declare under penalty of perjury that the statements contained in the foregoing Annual Compliance Report are true and correct to the best of my knowledge.

Executed on September 29, 2011.

Ben C. Pace
Benjamin C. Pace
Chief Financial Officer
Cellular South Licenses, LLC

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 29th day of September, 2011.

Maggie L. Hendricks
NOTARY PUBLIC

My Commission Expires: _____



EXHIBIT A

REDACTED – FOR PUBLIC INSPECTION

EXHIBIT A

UPDATED FIVE-YEAR SERVICE QUALITY IMPROVEMENT PLAN

**THIS EXHIBIT IS WITHHELD FROM THE PUBLIC COPY
AS THE FILER HAS REQUESTED CONFIDENTIAL TREATMENT**